

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SAMMY R. QUAIR, SR.,  
Plaintiff  
v.  
DAVE ROBINSON, et al.  
Defendant

Case No. 1:21-cv-01214-EPG (PC)

ORDER GRANTING APPLICATION  
TO PROCEED IN FORMA PAUPERIS  
AND DIRECTING PAYMENT OF  
INMATE FILING FEE BY KINGS  
COUNTY JAIL

(ECF No. 2)

Plaintiff Sammy R. Quair, Sr. (“Plaintiff”) is a prisoner proceeding *pro se* pursuant to 42 U.S.C. § 1983. Plaintiff has requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 2.) Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed *in forma pauperis* will be granted.<sup>1</sup> Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent of the preceding month’s income credited to plaintiff’s trust account. The Sheriff of Kings County Jail, or his or her designee, is required to

<sup>1</sup> The Prison Litigation Reform Act of 1995 (“PLRA”) provides, “[i]n no event shall a prisoner bring a civil action . . . under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). Plaintiff appears to have incurred three or more “strikes” prior to filing this action. See *Quair v. Vento, et al.*, Case No. 1:14-cv-01616-AWI-BAM; *Quiar v. Board of Supervisors, et al.*, Case No. 1:19-cv-00902-DAD-SKO; *Quair v. Board of Supervisors, et al.*, Case No. 1:19-cv-00993-DAD-BAM. Given the imminent danger exception and the complaint’s allegations regarding COVID-19, which the Court assumes are true at this stage, the Court will grant Plaintiff *in forma pauperis* status at this time. However, this does not preclude the defendant(s) from filing a motion to revoke *in forma pauperis* status or any other appropriate motion after they have been served with the summons and complaint.

1 send to the Clerk of Court payments from Plaintiff's account each time the amount in the account  
2 exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

3 In accordance with the above and good cause appearing therefore, IT IS HEREBY  
4 ORDERED that:

- 5 1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 2) is GRANTED;
- 6 2. **The Sheriff of Kings County Jail, or his or her designee, shall collect payments**  
7 **from Plaintiff's prison trust account in an amount equal to twenty percent (20%)**  
8 **of the preceding month's income credited to the prisoner's trust account and**  
9 **shall forward those payments to the Clerk of Court each time the amount in the**  
10 **account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of**  
11 **\$350.00 has been collected and forwarded to the Clerk of Court. The payments**  
12 **shall be clearly identified by the name and number assigned to this action.**
- 13 3. The Clerk of Court is directed to serve a copy of this order and a copy of Plaintiff's *in*  
14 *forma pauperis* application on the Sheriff of Fresno County Jail, via the Court's  
15 electronic case filing system (CM/ECF).
- 16 4. The Clerk of Court is directed to serve a copy of this order on the Financial  
17 Department, U.S. District Court, Eastern District of California, Sacramento Division.
- 18 5. Within sixty (60) days of the date of service of this order, Plaintiff shall submit a  
19 certified copy of his prison trust account statement for the six-month period  
20 immediately preceding the filing of the complaint, if Plaintiff has not already done so.

21 IT IS SO ORDERED.  
22

23 Dated: August 12, 2021

24 /s/ *Eric P. Groj*  
25 UNITED STATES MAGISTRATE JUDGE  
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